

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT E. WERBICKY, et al.,

Plaintiff,

VS.

GREEN TREE SERVICING, LLC, et al.,

Defendants.

Case No. 2:12-cv-01567-JAD-NJK

ORDER

(Docket Nos. 57, 71)

Pending before the Court is an order to show cause related to the improper filing of Docket No. 57. *See* Docket No. 71. In particular, the Court required the parties to explain why Docket No. 57 should not be filed publicly. *See* Docket No. 71 at 2. Plaintiffs filed a response indicating that they filed Docket No. 57 under seal as a means to comply with the stipulated protective order because Exhibits 5 and 6 were designated by Defendant as confidential. *See* Docket No. 75 at 2. Plaintiffs take no position on whether any documents are actually confidential. *See id.* In response, the Court ordered Defendant to “file a notice stating explicitly what portions of Docket No. 57 and any exhibits in support of that brief warrant secrecy.” Docket No. 82 at 2. Defendant has now filed a notice indicating that the only portion of that filing that warrants secrecy is Exhibit 6, and that the remainder may be filed publicly. *See* Docket No. 91 at 1.

To seal a document filed in relation to a dispositive motion, the movant must provide “compelling reasons” to warrant secrecy. *See, e.g., Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). Exhibit 6 consists of Green Tree’s servicing agreement with RBS Citizens, N.A. *See* Docket No. 80 at 1-2. Defendant argues that the Servicing Agreement

1 constitutes a trade secret, that Defendant maintains the confidentiality of its terms, and that
2 revelation of the Servicing Agreement would result in Defendant being competitively disadvantaged.
3 *See* Docket No. 80 at 6-8. Defendant also argues that the exhibit cannot be easily redacted while
4 leaving other meaningful information available to the public. *See id.* at 9.

5 The Court agrees that compelling reasons exist to allow Exhibit 6 to be filed under seal. As
6 acknowledged by the parties, compelling reasons do not exist to seal any other aspect of Docket No.
7 57. Accordingly, the Court hereby **ORDERS** Plaintiffs to refile, no later than November 6, 2014,
8 Docket No. 57 and all exhibits attached thereto on the public docket, except that Exhibit 6 should be
9 filed under seal.¹

10 IT IS SO ORDERED.

11 DATED: October 29, 2014

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14 NANCY J. KORPE
15 United States Magistrate Judge
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27 ¹ To be clear, Exhibit 6 must be *filed under seal*, and Plaintiffs shall not submit a copy of Exhibit
28 6 to chambers for *in camera* review.